



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/748,608      | 12/30/2003  | Edi Bondioli         | 71257               | 8657             |

23872 7590 07/12/2005  
MCGLEW & TUTTLE, PC  
P.O. BOX 9227  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-9227

EXAMINER

BINDA, GREGORY JOHN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3679

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|                              | 10/748,608      | BONDIOLI, EDI |  |
|                              | Examiner        | Art Unit      |  |
|                              | Greg Binda      | 3679          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/05</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3679

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Claim Objections*

2. Claims 5, 6 & 8-10 are objected to because:
  - a. Claim 5, line 19, the words “and is shaped as a” should be inserted after “material”.
  - b. Claim 6 recites the nonsensical limitation “said first laminar ring is shaped as Belleville washers”
  - c. Claim 8, line 23, the words “and is shaped as a” should be inserted after “material”.
  - d. Claim 9, line 2, the words “and is shaped as a” should be inserted after “material”.
  - e. Claim 10 recites the nonsensical limitation “said first laminar ring and said second laminar ring are shaped as a Belleville washer”
3. Claims 6 & 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 6 & 10 each simply recite that an element(s) previously recited as a “diaphragm spring washer” is a “Belleville washer”. Its not clear how the term “Belleville washer” is more

Art Unit: 3679

limiting than “diaphragm spring washer”. The terms are used synonymously in the specification. See paragraphs 0005 & 0015.

*Claim Rejections - 35 USC § 103*

4. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyari et al, US 5,419,740 in view of McIntosh, US 3,429,144. In Figs. 1-3, Koyari shows a wide angle constant velocity joint 40 comprising: two forks 46, 48 forming input and output members of the joint; two spiders 50, 52; and a central core 42, 44 forming a housing 92 for sliding movement in a transverse plane for at least one basically discoidal constraint member 54 forming seats 94 for the spherical end heads 46B, 48B of the two forks, which constraint member moves about when in use in a transverse plane of symmetry of the central core, to which two surfaces (see “side wall surface” in col. 98, line 50) of the housing are parallel between each of which are two surfaces and the opposing face (see “side wall surfaces in line 52) of the constraint member. Fig. 7 shows that a spring 106 & 108 is disposed between each surface of the housing and an opposing face of the constraint member 54. In col. 9, lines 23-27 Koyari discloses that disposing the springs in this manner provides a means for centering the constraint member. In col. 9, line 19, Koyari discloses that the springs 106 & 108 can be washer springs, but does not specify that the springs can be Belleville washers.

In Figs. 2 & 3, McIntosh shows washer springs 43 & 44 provide a means for centering a constraint member 35, 38, 39. In col. 2, line 72, McIntosh discloses that the washer springs 43 & 44 are Belleville washers. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wide angle constant velocity joint of Koyari by making the

Art Unit: 3679

washer springs in the form of Belleville washers since McIntosh teaches that Belleville washers will provide a centering means for a constraint member. McIntosh's Figs. 2 & 3 show that such springs have outer edges which form continuous annular contact with the surfaces of the housing and have inner edges which form continuous annular contact with the faces of the constraint member.

*Response to Arguments*

5. Applicant's arguments filed June 1, 2005 have been fully considered but they are not persuasive.

- a. In response to applicant's argument that "the references fail to recognize the problem involved", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).
- b. In response to applicant's argument that McIntosh discloses features that are dissimilar from that of the instant invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679